

**PRELIMINARY**  
**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

Nestucca Culvert Replacements or Removal for Fish Passage

**Environmental Assessment (EA) Number OR-086-03-04**  
March 17, 2004

**INTRODUCTION**

The BLM (Bureau of Land Management) has conducted an environmental analysis (EA Number OR-086-03-04) for a proposal to improve fish passage at seven stream crossings to expand fish distribution and utilization of more than five miles of suitable habitat in the Upper Nestucca River Watershed. The proposal also involves the stabilization of BLM Road Number 3-8-15.3 (i.e., sidecast pullback, removal of culverts, establishment of non-drivable waterbars and blocking to vehicle traffic). These projects would occur in Township 2 South, Range 8 West, Section 29, Township 3 South, Range 6 West, Sections 15 and 22, Township 3 South, Range 7 West, Section 24, Township 3 South, Range 8 West, Section 15, Willamette Meridian in Tillamook and Yamhill Counties, Oregon.

Implementation of Alternative 1 would conform to management actions and direction contained in the *Salem District Record of Decision and Resource Management Plan*, May 1995; *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, April 1994; *Nestucca Watershed Analysis*, October 1994; *Northern Coast Adaptive Management Area Guide*, January 1997; *Late-Successional Reserve Assessment for Oregon's Northern Coast Range Adaptive Management Area*, January 1998; *Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and Other Mitigation Measures Standards and Guidelines*, January, 2001; *Implementation of 2001 Survey and Manage Annual Species Review*, BLM-IM No. OR-2002-064, June 2002; *Implementation of 2002 Survey and Manage Annual Species Review*, BLM-IM No. OR-2003-050, March 2003; *Implementation of 2003 Survey and Manage Annual Species Review*, BLM-IM No. OR-2004-034, December 2003; *Delineation and Management of Reserve Pair Areas within Oregon's Northern Coast Range Adaptive Management Area* (June 2000); and the Oregon Coastal Management Program.

The EA is attached to and incorporated by reference in this preliminary FONSI determination. The EA and preliminary FONSI will be made available for public review from March 23, 2004 to April 22, 2004.

The notice for public comment will be published in the *News-Register* and *Headlight Herald*, newspapers respectively of McMinnville and Tillamook, Oregon; sent to those individuals, organizations, and agencies that have requested to be involved in the environmental planning and decision making processes; and posted on the Internet at <http://www.or.blm.gov/salem/html/planning/index.htm>. Comments received in the Tillamook Field Office, 4610 Third Street, Tillamook, Oregon 97141, **on or before April 22, 2004 at 4:00 PM**, will be considered in making the final decisions for these projects. Office hours are Monday through Friday, 7:30 A.M. to 4:00 P.M., closed on holidays.

Based upon the EA and supporting documents, the Tillamook Field Manager, made a preliminary determination that Alternative 1, hereafter referred to as the "proposed action", is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. This finding is based on the following discussion:

**Context.** The proposed action is a site-specific action directly involving the replacement or removal of seven culverts on BLM administered lands and stabilization of BLM Road 3-8-15.3, that by itself does not have international, national, region-wide, or state-wide importance. The proposed project areas are within designated 'critical habitat' for the marbled murrelet and spotted owl. The proposed project areas are adjacent to 'suitable' and 'dispersal' habitat for the northern spotted owl, and 'suitable habitat' and 'potential habitat' for the marbled murrelet. This project contains seven road/stream crossings in the Nestucca River key watershed. Three of the crossings are within a municipal watershed. The project also contains 'Essential Fish Habitat' for the Oregon Coast coho salmon and Oregon Coast Chinook salmon. The discussion of the significance criteria that follows applies to the intended action and is within the context of local importance. Chapter 3 of the EA details the effects of the proposed action. None of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the FEIS (*Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994).

**Intensity.** The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27.

**1. Impacts may be both beneficial and adverse.** Due to the proposed action's design features, the predicted effects, most noteworthy, include: 1/ improved fish passage at seven culvert crossings; 2/ restored hydrologic pathways and sediment routing; 3/ social and economic benefits to the local communities through contract work associated with the culvert replacements, removal, and road stabilization project; 4/ soil disturbance; 5/ slight increases in sediment and turbidity at the site-scale are anticipated from instream work, culvert replacement, culvert removal, and road stabilization; and 6/ no impacts to water temperature, streamflows or stream channel stability.

None of the environmental effects disclosed above and discussed in detail in Chapter 3 of the EA are considered significant, nor do the effects exceed those described in the FEIS.

**2. The degree to which the selected alternative will affect public health or safety.**

Public health and safety were not identified as an issue. The proposed action is comparable to other culvert replacements, removals, and road stabilization projects which have occurred within the Salem District with no unusual health or safety concerns.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** There are no historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or wildernesses located within the project area (EA, Appendix 2). The project area does contain two Oregon State designated scenic waterways (Nestucca River and Walker Creek); however, the proposed action will not change the visual character or quality of these two scenic waterways (EA, Appendix 2).

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** Scoping of the proposed action resulted in only two project specific comment letters and one newspaper article. The disposition of public comments is contained in Appendix 3 of the EA.

The effects of the proposed action on the quality of the human environment were adequately understood by the interdisciplinary team to provide an environmental analysis. A complete disclosure of the predicted effects of the proposed action is contained in Chapter 3 of the EA.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The proposed action is not unique or unusual. The BLM has experience implementing similar actions in similar areas and have found effects to be reasonably predictable. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment which are considered to be highly uncertain or involve unique or unknown risks.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The proposed action does not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. The proposed action replaces or removes seven culverts that are fish passage barriers and stabilizes 2.4 miles of road no longer needed by the BLM. Any future projects will be evaluated through the NEPA (National Environmental Policy Act) process and will stand on their own as to environmental effects.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The interdisciplinary team evaluated the proposed action in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the proposed action is contained in Chapter 3 of the EA.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The proposed action will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will the proposed action cause loss or destruction of significant scientific, cultural, or historical resources (EA, Appendix 2).

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** In accordance with regulations pursuant to Section 7 of the Endangered Species Act of 1973, as amended, formal and/or informal consultation with United States Fish and Wildlife Service concerning the potential impacts of the proposed projects upon the spotted owl, marbled murrelet and bald eagle would be completed where appropriate. This would be accomplished by including the projects within the programmatic “disturbance-only” Biological Assessment(s) prepared by the interagency Level 1 Team (terrestrial subgroup) for the North Coast Province. The projects are covered by the Biological Assessment and Biological Opinion (1-7-04-F-1113) for FY (Fiscal Year) 2004 and 2005 projects. However, it is expected to take multiple field seasons to complete all of the work. Should the projects not be completed by FY 2005 but rather in a subsequent year, the remaining portions of the project would be resubmitted for inclusion in the next appropriate programmatic consultation. The proposed projects would not be implemented until consultation is completed and would incorporate the appropriate Terms and Conditions of the corresponding Biological Opinion.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** The proposed action does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. The EA and supporting Project Record contain discussions pertaining to the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, National Historic Preservation Act, Clean Water Act, Clean Air Act, Coastal Zone Management Act, Executive Order 12898 (Environmental Justice), and Executive Order 13212 (Adverse Energy Impact). State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the proposed action is consistent with applicable land management plans, policies, and programs.